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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	MARRON, Pedro J. et al.) Examiner:
Application No.:	09/990,592) unknown
PCT Filing Date:	November 23, 2001) Art Unit:
For:	AN LDAP BASED DISTRIBUTED) unknown
	CACHE TECHNOLOGY FOR XML)

Atty. Docket No.: P 4824 US

**TRANSMITTAL LETTER IN RESPONSE TO A NOTICE TO
FILE MISSING PARTS**

O I P E

Assistant Commissioner for Patents

Washington, D.C. 20231

U.S.A.

Transmitted herewith is a response to the notice to file missing parts in the above identified application:

- (X) Please charge \$ 444 to deposit account number 50-0355 for the small entity filing, claims, and 37 CFR 1.16(e) fees.
- (X) Small entity status is hereby claimed.
- (X) Notice to file missing parts copy included.

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- (X) New Abstract in clean copy and marked up form.
- (X) Please find enclosed a request to withdraw Improper Notice to File Missing Parts.
- () A Petition for Extension of time under 37 CFR 1.136(a)
- () Please charge Deposit Account Number 50-0355 in the amount of \$ for the Extension fee.
- (X) The Commissioner is hereby authorized to charge payment of fees associated with this communication or credit any overpayment to Deposit Account Number 50-0355.
- (X) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- () Return Postcard Receipt
- () New Declaration

Respectfully submitted

Paul Vincent

Dr. Paul Vincent
Reg.No. 37,461

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D-70174 Stuttgart, Germany
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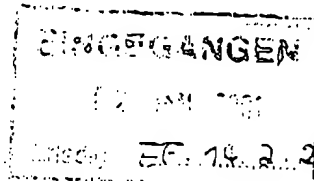
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/990,592	11/23/2001	Pedro Jose Marron	P 4824 US

Schuster & Partner
Wiederholdstr. 10
Stuttgart, 70174
GERMANY

CONFIRMATION NO. 2075

FORMALITIES LETTER



OC000000007199135

Date Mailed: 12/14/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$18.
□ \$18 for 1 total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(i) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 888.

The application is Informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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01 FC:201 370.00 CH
02 FC:203 9.00 CH
03 FC:205 65.00 CH

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Applicants:	MARRON, Pedro J. et al.) Examiner:
Application No.:	09/990,592) unknown
PCT Filing Date:	November 23, 2001) Art Unit:
For:	AN LDAP-BASED DISTRIBUTED) unknown
	CACHE TECHNOLOGY FOR XML)

Atty. Docket No.: P 4824.US

Request to Withdraw an Improper Notice to File
Missing Parts and Request for Refund of Fee

Director's Office
OIPE
USPTO
Washington D.C.
20231 USA

This is a request to withdraw an improper Notice to File
Missing Parts in the instant application and for refund of the
associated fee under 37 CFR 1.16(1).

STATEMENT OF FACTS:

On November 23rd, 2001 the applicant filed an application under
35 USC 119(e). The transmittal letter associated with the
application claimed benefit of small entity status and
authorized charging of the associated filing and claims fees
to deposit account number 50-0355. On January 2nd, 2002 the

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applicant received a Notice to File Missing Parts mailed December 14, 2001 requesting submission of the basic filing fee, an additional claims fee and an abstract as well as the fee under 37 CFR 1.16(1) of \$ 130 for a non-small entity. Since authorization had been given for deduction of the associated fees in the transmittal letter for the subject patent application, the Notice to File Missing Parts was improper.

EVIDENCE IN SUPPORT OF THE FACTS

Annex A is a true copy of the transmittal letter associated with the subject patent application. The last crossed entry near the bottom of page 1 indicates benefit of small entity status being claimed. The top of page 2 authorizes charging of the claims and filing fees to deposit account number 50-0355 in the amount of \$ 379. Annex B is a true copy of the Notice to File Missing Parts. Annex C is a true copy of the monthly statement of the associated deposit account number 50-0355 indicating an adequate balance at the time in which the application was filed to cover the small entity fees.

SUMMARY AND REQUEST

This request provides clear evidence that the Notice to File Missing Parts was improper. The applicant thereby requests refund of the small entity missing parts fee under 37 CFR 1.16(1) of \$ 65 to deposit account number 5-0355.

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Respectfully submitted,

Paul Vincent

Dr. Paul Vincent

Registration number 37,461

Enclosures: Annexes A, B and C as mentioned

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